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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,485	06/15/2006	Kevin Joseph Martin	1223-017	1781
1009 7590 08/22/2008 KING & SCHICKLI, PLLC 247 NORTH BROADWAY LEXINGTON, KY 40507				
EXAMINER				
IRVIN, THOMAS W				
ART UNIT		PAPER NUMBER		
3683				
MAIL DATE		DELIVERY MODE		
08/22/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/583,485

Applicant(s)

MARTIN, KEVIN JOSEPH

Examiner

THOMAS W. IRVIN

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-20 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 28 May 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-856)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Drawings

The drawings were received on May 28, 2008. These drawings are accepted by the examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6, 7, 10, 12, 14, 18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Purdy (844,288) in view of Casgrain (538,895).

In Re claims 1 and 2, Purdy discloses a cable assembly which includes at least one wheel having shoulders which the cable assembly passes around when in use, the cable assembly including at least one cable (A) having end portions and a connector device (B,B') for operatively connecting the end portions of the cable so as to form an endless track, the connector device including a power transmission member (R) and a coupling (B,B') operatively connecting the end portions of the cable to the power transmission member, the power transmission member being a generally tubular member having end sections receivable within the wheel as the cable assembly passes there-around, the coupling including a coupling element operatively connected to the

power transmission member between the end sections. Purdy fails to disclose the specifics of the wheel.

Casgrain teaches using a wheel (A) with recesses (A^2), grooves (15), and teeth (A') for driving a power transmission band (a). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a wheel with recesses, grooves, and teeth, as taught by Casgrain, with the cable assembly of Purdy, to positively engage the transmission members and drive the cable assembly.

In Re claim 3, Purdy further discloses that each cable has end portions which are operatively connected together by the connector device so as to form an endless cable or track, there being, a plurality of connecting means arranged in spaced apart relation along the cable length.

In Re claim 4, Purdy further discloses that the power transmission member is generally circular in cross-section.

In Re claims 6 and 12, Purdy further discloses that the coupling is arranged so that the load applied to the power transmission member by the cable is in the region of the central axis of the power transmission member.

In Re claims 7 and 14, Purdy further discloses that the coupling element of the coupling (B, B') includes a clevis (e') secured to the outer circumferential surface of the power transmission member (R) and two tongues (e) on the ends of the opposing cable which is operatively connected to the clevis of the opposing cable through the transmission member.

In Re claim 10, 18, and 20, Purdy further discloses that the coupling element of the coupling includes a plate (b) mounted to said power transmission member for at least partial rotation relative thereto, said plate including one or more tongue portions (e) and said coupling further including at least one clevis (e') associated with a respective tongue portion said clevis being operatively connected to an end of a cable, the tongue being operatively connected to the clevis through the power transmission member.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Purdy (844,288) in view of Casgrain (538,895) as applied to claim 10 above, and further in view of Karnes (2005/0023113).

Purdy further disclose retaining pins (P) to limit lateral movement of the plate on the transmission member. Purdy as modified teach to claimed invention except failing to teach retaining rings. Karnes teaches a chain utilizing retaining rings (not shown) to limit lateral movement of the links (102,104) on the link pin (118) (see par. 21 and 30). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the cable assembly, taught by Purdy, to include retaining rings, as taught by Karnes, because it allows assembly and disassembly of the cable assembly without destroying the retaining member.

Claims 5, 13, 17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Purdy (844,288) in view of Casgrain (538,895) as applied to claim 4 above, and further in view of Larsen (2004/0099508).

In Re claim 5, Purdy, as modified, teaches the claimed invention except failing to teach rotatable ends on the transmission member. Larsen teaches a conveyor with rotatable members (13) for carrying baskets (16). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in the modified cable assembly of Purdy, rotatable end axes, as taught by Larsen, to swingingly carry a product in a conveyor system.

In Re claim 13, Purdy further discloses that the coupling is arranged so that the load applied to the power transmission member by the cable is in the region of the central axis of the power transmission member.

In Re claim 17, Purdy further discloses that the coupling element of the coupling (B,B') includes a clevis (e') secured to the outer circumferential surface of the power transmission member (R) and two tongues (e) on the ends of the opposing cable which is operatively connected to the clevis of the opposing cable through the transmission member.

In Re claim 19, Purdy further discloses that the coupling element of the coupling includes a plate (b) mounted to said power transmission member for at least partial rotation relative thereto, said plate including one or more tongue portions (e) and said coupling further including at least one clevis (e') associated with a respective tongue

portion said clevis being operatively connected to an end of a cable, the tongue being operatively connected to the clevis through the power transmission member.

Claims 8, 9, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified system of Purdy (844,288) in view of Casgrain (538,895) as applied to claim 7 and 14 above, and further in view of Campbell (2004/0083607).

In Re claims 8 and 15, Purdy, as modified, teach attaching the cable to the coupling element using an insert (S), but does not specifically teach swaging. Campbell teaches securing the end of a cable using swaging. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used swaging, as taught by Campbell, as a well-known alternative means for securing the cable to the coupling member, to provide a cost effective robust means of connection.

In Re claims 9 and 16, the transmission member acts as a pin for connection between the tongue and clevis of the two cable ends.

Response to Arguments

Applicant's arguments filed May 28, 2008 have been fully considered but they are not persuasive.

In response to applicant's arguments to claim 1, based upon the age of the references, contentions that the reference patents are old are not impressive absent a showing that the art tried and failed to solve the same problem notwithstanding its

presumed knowledge of the references. See *In re Wright*, 569 F.2d 1124, 193 USPQ 332 (CCPA 1977). Additionally, the applicant's stated unsolved need for a "less bulky and relatively light" cable assembly and "problems associated with slippage and creeping" are understood to be allegations, and not proven evidence to show that there was a long felt but unsolved need that the applicant's invention has solved.

In response to applicant's arguments regarding the grooves of the wheel of Casgrain (see fig. 2), in the combination of Purdy and Casgrain, as stated in the rejection above, the cables of the power transmission mechanism, of Purdy, would be indexed or associated with the grooves along the outer periphery of the wheel of Casgrain. Additionally, the examiner points out page 3, lines 70-75, wherein Casgrain states that the periphery of the wheel may have grooves.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THOMAS W. IRVIN whose telephone number is (571)270-3095. The examiner can normally be reached on Mon-Fri 8am-4pm, Alt Fri off (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on (571) 272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thomas W. Irvin/
Examiner, Art Unit 3683

/Robert A. Siconolfi/
Supervisory Patent Examiner, Art
Unit 3683